

### **REMARKS**

In response to the Office Action mailed December 7, 2006, Applicant respectfully requests the Examiner to reconsider the above-captioned application. By way of this amendment, claim 24 has been amended and claims 26-30 have been canceled.

#### **Objection to Drawings**

The Examiner objected to the drawings because the elements in claims 26, 27, 28, 29 and 30 are not shown. Applicant has canceled claims 26-30 in the present application. However, Applicant reserves the right to pursue the subject matter of claims 26-30 in a continuation application.

#### **Objection to Specification**

Applicant notes that the specification was amended in the previous response to indicate that 09/968,272 is now U.S. Patent No. 6,709,456.

#### **Rejection of Claim 24 under 35 U.S.C. § 102(b)**

Claim 24 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Borghi. Borghi teaches a cardiac mapping electrode which includes a flexible tension wire (9) anchored at the distal end of the operative portion of the electrode. The tension wire is pulled for causing the operative portion of the electrode to bow outward (i.e., away from the tension wire). Because the operative portion bows outward, the cardiac mapping electrode expands for engagement with the inner walls of a heart chamber (e.g., see Figure 1 of Borghi).

On the other hand, a mapping electrode which bows outward as taught by Borghi could not be used in the coronary sinus due to the narrow structure of the vessel. Accordingly, Borghi fails to contemplate an elongate body that is capable of remodeling the mitral valve annulus from within the coronary sinus.

To further clarify the structure of the claimed invention and thereby advance prosecution, Applicant has amended claim 24 to recite that the elongate body is sized for

implantation at least partially within the coronary sinus. Borghi fails to teach or suggest an implantable elongate body configured for transluminal delivery into the coronary sinus. Applicant further notes that Borghi fails to contemplate a forming element which is slidably contained between the attachment point and the proximal end of the implantable elongate body. Therefore, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(b).

**Rejection of Claims 26-33, 37, 38, 40, 42 and 44-46 under 35 U.S.C. § 103(a)**

Claims 26-33, 37, 38, 40, 42 and 44-46 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Borghi in view of Swanson et al. As discussed above, Borghi fails to disclose each and every element of Applicant's amended claim 24. Swanson et al. fails to overcome the deficiencies of Borghi. Dependent claims 31-33, 37, 38, 40, 42 and 44-46 recite additional features which further distinguish over the cited references and claims 26-30 have been canceled. Therefore, Applicant respectfully requests withdrawal of all rejections under 35 U.S.C. § 103(a).

**Double-Patenting**

Claims 24, 26-34, 36-38, 40, 42 and 44-46 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 5, 14, 17, 18, 20, 22, 24-26 and 30-32 of U.S. Patent No. 6,402,781 in view of Machek et al. To expedite the allowance of the pending claims, Applicant submits herewith a Terminal Disclaimer. Applicant notes that U.S. Patent No. 6,402,781 to Langberg et al. is commonly owned with the present application. Accordingly, Applicant respectfully requests withdrawal of all obviousness-type double patenting rejections.

**Fees Due to File This Amendment**

Prior to the pending Office Action, a fee was paid for the original 49 claims, with 4 of them being independent claims. The claim amendments have not resulted in more than the original number of claims, and **thus no claim fees are believed to be due** to file this amendment.

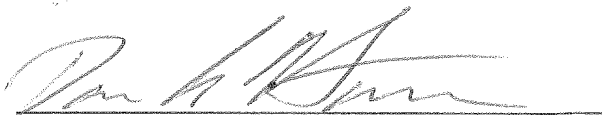
**Conclusion**

In light of the foregoing response and the above remarks, Applicant believes that all claim rejections have been overcome and the present application is now in condition for allowance. Should the Examiner have any remaining questions, the Examiner is encouraged to contact the attorney of record at the telephone number shown below.

Respectfully submitted,

Date: \_\_\_\_\_

2/7/07



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